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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: CHAD

1. The Committee considered the initial report of Chad (CRC/C/3/Add.50) at its 546th to 548th meetings (see CRC/C/SR.546-548), held on 24 and 25 May 1999 and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the submission of the report, while noting that the report did not always follow strictly the guidelines established by the Committee. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/CHAD.1), while regretting their late submission, and of the additional information provided to it during the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and cooperative dialogue with the State party's delegation, as well as its frankness and self-critical approach.

B. Positive aspects

3. The Committee welcomes the improvement in the human rights situation that has resulted from the end of civil conflict and the achievement of a political settlement. It welcomes in particular the measures undertaken by the State party to improve the implementation of the Convention since the initial report was prepared in 1996. It notes current efforts to draft legislation that will improve the protection of children from all forms of abuse and appreciates the attempts made by the State party to involve customary and religious leaders in the implementation of the rights of the child.

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* At the 557th meeting, held on 4 June 1999.

4. The Committee also welcomes the fact that Chad has recently moved to ratify the African Charter on the Rights and Welfare of the Child.

5. The Committee welcomes the establishment in 1998 of a Parliament for Children that may contribute to the State party's efforts to address widespread resistance to the consideration of the views of the child, due to traditional customs and attitudes.

6. The Committee welcomes the preparation by the Ministry of Social Action and the Family of a National Programme for Persons with Disabilities, the decision to exempt children with disabilities from all educational fees, and the efforts of the State party to cooperate with NGOs in this field.

7. The Committee appreciates the establishment of a technical unit within the Ministry of Education to encourage schooling for girls.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee is aware of the difficulties encountered by the State party, noting that the State party is among the least developed countries of the world, and that the devaluation of the CFA franc and the implementation of structural adjustment programmes affect the implementation of the Convention. The lack of access to the sea, as well as environmental degradation, and the difficulties involved in dealing with a large territory which includes sparsely populated areas pose additional problems.

9. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to girls.

10. The Committee notes that the legacy of violence left by decades of civil war in the State party creates additional obstacles for the full implementation of the Convention.

D. Principal subjects of concern and Committee recommendations

1. General measures of implementation

11. While the Committee notes the efforts of the State party to review legislation, including the recent adoption of several laws dealing with different aspects of juvenile justice and the drafting of legislation to protect children against different forms of abuse, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current and proposed legislation covering children's rights is fragmented in different laws. **The Committee recommends that a thorough review of all existing legislation be conducted to bring it into line with the provisions of the Convention and suggests that the State party consider enacting a comprehensive children's code, as recommended by the 1993 Sovereign National Conference.**

12. The Committee takes note of the close collaboration between the Department for Children of the Ministry for Social and Family Affairs and the

Child Protection Department of the Ministry of Justice. It also notes the existence of the National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children (PRONAFET). The Committee remains concerned about the lack of effective coordination of the implementation of the Convention on the Rights of the Child. It notes with concern the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. **The Committee recommends that the State party take all appropriate measures to strengthen coordination of the implementation of the Convention by a governmental mechanism with adequate powers, functions and resources. Coordination must take account of the need to give due regard to the integrated approach of the Convention. The Committee encourages the State party to improve or expand an existing mechanism or establish an independent one to monitor implementation, and to identify within the existing framework a focal point to deal with child complaints of violations and ensure that violations of child rights are duly addressed.**

13. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most sensitive, such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, especially girls, children with disabilities, children living in rural areas, children living in poverty and refugee children. **The Committee recommends that the State party undertake efforts to develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF, is encouraged.**

14. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. **The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention. Budget allocation for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources.**

15. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention among both adults and children need to be strengthened. Welcoming the efforts of the State party to carry out sensitization programmes on the Convention for traditional chiefs and religious leaders, the Committee considers that training programmes for professional groups working with and for children need to be further developed. **The Committee recommends that the State party reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike, and to change those attitudes that pose difficulties for the implementation of the Convention. It also encourages the State party to continue its efforts to sensitize the community, especially parents, and to sensitize and train traditional and religious leaders, as well as all professional groups working**

with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

2. Definition of the child

16. While noting the preparation by the State party of legislation that would set the legal age for marriage at 18 for both boys and girls, the Committee expresses its concern about the different minimum legal ages for marriage under existing legislation for boys (18) and girls (14), and about the lower age for girls which appears to be common for traditional customary law marriages. **The Committee encourages the State party in its commitment to harmonize the minimum legal ages for marriage, increasing the minimum age for girls. It recommends that the State party undertake awareness-raising campaigns on the negative effects of early marriage.**

3. General principles

17. With regard to the implementation of the general principles of the Convention, and in particular article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized in the Convention. The Committee is extremely concerned at the situation of girls, in particular in relation to access to education and to protection from harmful traditional practices, sexual abuse, forced marriages, early marriage and early pregnancy. **The Committee recommends that a more active approach be taken to eliminate discrimination against vulnerable groups of children, especially girls.**

18. While recognizing the efforts of the State party, including the establishment in 1998 of a children's parliament, the Committee is still concerned that the participatory rights of children, as enshrined in the Convention, are not yet taken into account by the society at large. The Committee is particularly concerned that the implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with the age and maturity of the child is excessively constrained by subjective interpretation under existing legislation. **The Committee recommends that the State party develop further a systematic approach to increasing, including through the media, public awareness in order to make these rights and their implications fully understood by the population at large. In addition, the Committee recommends that, in the requested review of existing legislation, reconsider, without neglecting the need for special support, the right of children under 18 to give evidence in court without being accompanied by their parents or guardians.**

4. Civil rights and freedoms

19. While acknowledging the difficulties posed by the high rate of illiteracy, the Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of implementation of legislative measures requiring parents to register children at birth, especially in rural areas and in particular among nomadic groups. **In the light of article 7 of the Convention, the Committee recommends**

that the State party take all available measures to ensure registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and suggests that consideration be given to the establishment of mobile registration units, or other innovative approaches, to facilitate birth registration in remote rural areas and for nomadic groups.

20. The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14, and 15 of the Convention. The Committee is also concerned about respect of the child's right to privacy (art. 16), including at school, and about the right of children to be protected from harmful information and material, in accordance with article 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as subjects of rights. **The Committee urges the State party to redouble its efforts to protect children from harmful information and material and to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.**

21. The Committee is concerned about inadequate enforcement of existing legislation to ensure that children are treated with humanity and respect for the inherent dignity of the human person. **The Committee recommends that the State party give prompt consideration to the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to review its policies and legislation to provide for full implementation of the provisions of articles 37 (a) and 39 of the Convention.**

5. Family environment and alternative care

22. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support and supervision of the existing ones established by non-governmental organizations. The Committee is also concerned about the conditions of children living in informal types of placement (intra-family "adoption"), whose situation is not periodically reviewed in accordance with article 25 of the Convention. **The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and to set up monitoring for public and private care institutions. In the light of article 25 of the Convention, the Committee further suggests that the State party undertake a study to review the conditions of children living in an informal type of placement.**

23. The Committee takes note of the imminent ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned about the widespread traditional customary practice of "intra-family" adoption. **The Committee encourages the State party to strengthen its legal provisions regarding domestic adoption.**

24. While noting that legislation is being drafted to protect children from all forms of abuse, including forced marriage and incest, the Committee expresses its concern at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, especially in schools and other institutions. It is also concerned at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. **In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures, including adoption of the proposed legislation, to prevent and combat ill-treatment of children, including domestic violence and sexual abuse. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.**

25. The Committee is concerned about the use of corporal punishment in families, schools and other institutions. It is concerned about existing legislation that allows the use of corporal punishment in families and correctional facilities, and particularly concerned about its continued use in some religious schools in spite of legislation banning corporal punishment in schools. **The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline, and to improve enforcement of the legislation banning corporal punishment in schools. It recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. Finally, the Committee encourages the State party to seek international assistance and advice to overcome traditional social and religious attitudes regarding corporal punishment.**

6. Basic health and welfare

26. In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions, while welcoming the efforts of the State party to increase services to children with disabilities. The Committee is also concerned about the lack of legislation protecting children with disabilities against discrimination, and about the difficulties encountered in addressing the special needs of children with mental disabilities. **The Committee recommends that the State party increase its efforts to give adequate attention to the special needs of children with mental and physical disabilities, and to encourage the inclusion of disabled children in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.**

27. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality and the important role played by international technical assistance in this regard, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services. The persistence of health problems related to insufficient access to safe water and sanitation are also a matter of concern. **The Committee**

suggests that the State party increase its efforts, with continued support from international assistance, to make basic health care, safe water and sanitation accessible to all children. In particular, concerted efforts are needed to combat malnutrition and to ensure the implementation of the recently adopted national plan of action for nutrition.

28. While the Committee acknowledges the State party's efforts to combat and prevent the transmission of HIV/AIDS, it expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. **The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80, para. 243) and to seek international cooperation from UNICEF, WHO and UNAIDS to set up programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS.**

29. While welcoming the State party's efforts to adopt measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of children, the Committee remains concerned at the difficulties encountered in eliminating such practices. **The Committee encourages the State party to adopt the proposed legislation and strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the child. It encourages the State party to continue carrying out awareness-raising campaigns and sensitization programmes for traditional and religious leaders and for practitioners of female genital mutilation.**

30. The Committee acknowledges the State party's efforts in the area of adolescent health, but it remains concerned at the high rate of early pregnancy and the lack of access by teenagers to reproductive health education and services, and to emergency care. It is also concerned at the impact that punitive legislation regarding abortion can have on maternal mortality rates for adolescent girls. **The Committee suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy and illegal abortion. The Committee encourages the State party to review its practices under the existing legislation authorizing abortions for therapeutic reasons, with a view to preventing illegal abortions and improving protection of the mental and physical health of girls. The Committee also encourages the State party to seek continuing assistance from, inter alia, UNICEF and WHO to promote adolescent health policies and programmes, including by strengthening reproductive health education and counselling services.**

7. Education, leisure and cultural activities

31. The Committee welcomes the commitment of the State party to education, and the active support received from international technical assistance in this area. The Committee remains concerned at the very high illiteracy rates, the low enrolment rate and limited access to education, especially in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. **The Committee recommends that the State party undertake**

all appropriate measures to improve the quality of and access to education, especially for the most vulnerable groups of children, and to reinforce training programmes for teaching personnel. Furthermore, the Committee suggests that the State party increase its efforts to include the environment, peace education, human rights and the Convention in the school curriculum, especially within the framework of the United Nations Decade for Human Rights Education.

32. The Committee is concerned that family preference for negotiated settlement of incidents of sexual abuse and exploitation of girls by teachers does not provide adequate protection and may lead to double victimization. **It recommends the State party to review this issue to ensure that priority be given to protection from sexual abuse and exploitation, taking fully into account the best interests of the child (art. 3) and all of the provisions of the Convention, and that perpetrators be appropriately sanctioned.**

33. While acknowledging efforts being made to address the problem of students who bring weapons to school, the Committee is concerned at the frequency and level of violence in schools, including bullying among students. **In the light of articles 3, 19 and 28.2 of the Convention, the Committee encourages the State party to increase its efforts to prevent violence in schools and, especially, to eliminate bullying.**

8. Special protection measures

34. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. **The Committee recommends that the State party increase its efforts to provide adequate protection to refugee children, working in close cooperation with international agencies active in the field, such as UNHCR and UNICEF.**

35. While taking note of the existing awareness and political will regarding the problems caused by the involvement of children in armed conflict, the Committee remains seriously concerned about the lack of resources available to support the rehabilitation and social reintegration of demobilized child soldiers. The Committee is particularly concerned about the situation of traumatized or permanently disabled former child soldiers and their lack of access to compensation or other support services. **The Committee recommends that the State party ensure the enforcement of its legislation banning the recruitment of children under 18 years. It also encourages the redoubling of efforts to allocate the necessary resources, if necessary with international assistance, to the rehabilitation and social reintegration of former child soldiers, and in particular to provide compensation and support services to traumatized or permanently disabled former child soldiers.**

36. The Committee welcomes the establishment of juvenile chambers to deal with offenders aged 13 to 18 in courts of first instance, and the recent adoption of additional legislation on the treatment of juveniles, including the requirement that deprivation of liberty be used only as a measure of last resort, and guaranteeing legal assistance. The Committee remains concerned about the conditions faced by children deprived of liberty, particularly

children detained with adults without adequate protection from inhumane treatment, and about the insufficiency of programmes for the physical and psychological recovery and social reintegration of juveniles. **The Committee encourages the State party to pursue its plans to build facilities to separate juveniles from adults and continue training judges, and recommends that the State party take all other measures needed to implement fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.**

37. Taking note of the completion of an ILO study and the preparation of another one, the Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context, as well as at the persistence of forms of bonded labour for children. **The Committee encourages the State party to use the ILO studies as a framework for the development of strategies and programmes, and to review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced and penalties imposed in cases of violation. Furthermore, the Committee recommends that the State party complete the process of ratification of ILO Convention No. 138 on Minimum Age for Admission to Employment.**

38. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. The Committee suggests that the State party use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

39. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.**